

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-20-1256-J
)	
HOUSING AUTHORITY OF THE TOWN)	
OF LONE WOLF;)	
DAVID M. HAYNES; and)	
MYRNA HESS,)	
)	
Defendants.)	

ORDER APPROVING SETTLEMENT

Before the Court are the parties' Joint Motion for Approval and Authorization of Compromise Settlement on Behalf of Minor A.Z. [Doc. No. 39] and the parties' Joint Motion for Entry of Consent Decree [Doc. No. 38] (collectively Motions). On November 23, 2021, the parties notified the Court that they had negotiated a settlement agreement in principle. [Doc. No. 37]. On December 21, 2021, the parties filed the Motions to seek approval of the settlement.

The Court, having reviewed the parties' submissions concerning the nature of this action and the terms of the proposed settlement and having reviewed the affidavit of Alexandra Zackery, as mother and next friend of minor A.Z., relating to the proposed settlement and its terms [Doc. No. 39-1] and the affidavit of Leona O. Denning, [Doc. No. 39-2], finds that:

1. Alexandra Zackery is the natural mother of minor A.Z. with the authority and power to bring this action.

2. Disputed and contested issues of liability and damages exist with regard to the claims of minor A.Z. arising out of the incident in which the minor child allegedly suffered damages.

3. Alexandra Zackery, has fully considered this matter, has had the advice of counsel, has the best interest of minor A.Z. at heart and mind, and has requested that the Court approve this compromise settlement for said minor as being in the best interest of said minor.

4. The proposed settlement, as set forth in the proposed consent decree, consisting of injunctive relief and \$75,000 total, including a settlement portion for minor A.Z. in the amount of \$20,000, is in the best interest of minor A.Z.

5. The proposed settlement, as set forth in the proposed consent decree, is fair and reasonable, and the Court approves the settlement of minor child A.Z.'s claims against defendants Housing Authority of The Town of Lone Wolf, David M. Haynes, and Myrna Hess.

6. The proposed consent decree, and its terms, as negotiated by the parties, is fair and reasonable.

Accordingly, the Court **GRANTS** the Joint Motion for Approval and Authorization of Compromise Settlement on Behalf of Minor A.Z. [Doc. No. 39] and the Joint Motion for Entry of Consent Decree [Doc. No. 38]. The Court will enter the Consent Decree in the record. It is further **ORDERED** by this Court that:

The settlement award of \$20,000 to Minor A.Z. shall be held by MidFirst Bank, 6351 N. MacArthur Blvd., Oklahoma City, Oklahoma 73122, a federally insured banking institution, and shall remain until further order of this Court or until minor A.Z. attains the age of eighteen (18), pursuant to the terms of the settlement proposed. Ms. Alexandra Zackery, mother to minor A.Z., shall ensure that this deposit is made, that the depository institution receives a copy of this Order

at the time the deposit is made, and that the receipt reflecting the deposit is filed with the Court within sixty (60) days from today, or by February 27, 2022. It shall be the joint responsibility of minor A.Z.'s mother, Alexandra Zackery, and the account's trustee(s) to ensure that the proceeds remain in that account until further Court order or until minor A.Z. attains the age of eighteen (18).

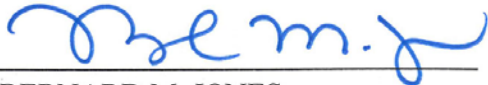
Minor A.Z.'s mother, Alexandra Zackery, is authorized to execute the necessary release and dismissal documents to conclude the settlement of the claims of her minor child, A.Z., in this case.

The proceeds of the \$75,000 settlement shall be distributed in accordance with Title 12, § 83 of the Oklahoma Statutes and the terms of the consent decree as follows:

- \$20,000 to be paid to minor A.Z., to include any interest accrued while on deposit with MidFirst Bank, less any fees by MidFirst Bank for the duration of the deposit, no earlier than the date upon which Minor A.Z. reaches the age of eighteen (18) years, or upon separate further order of the Court permitting withdrawal before minor A.Z. attains age eighteen (18);
- \$45,000 to be paid to Alexandra M. Zackery; and
- \$10,000 to be paid to Legal Aid Services of Oklahoma, Inc.

Each party is directed to pay their own costs and attorney's fees.

IT IS SO ORDERED this 29th day of December 2021.


BERNARD M. JONES
UNITED STATES DISTRICT JUDGE

APPROVED by the Parties:

SAMEENA SHINA MAJEED
Chief, Housing and Civil Enforcement

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Attorney)

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